IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 10863 of 2005

Between:

1 M/s. Azam Jahi Mills Ltd., Laxmipura, Warangal District,

rep. by its Manager.
2 National Textile Corporation Ltd.,

(A Govt of India Undertaken Nanjappa mansion, 29/2,

K.H. road, Shantinagar, Bangalore,

rep. by its Company Secretary.

... PETITIONERS

AND

1 The District Collector, Warangal District, Warangal.
2 the Secretary to Govt., Revenue Dept., Govt of A.P., Hyderabad.
3 The Mandal Revenue Officer, Warangal District.
4 The Prl., A.P. Tribal Welfare, Residential School (EM) Boys,

Warangal.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue to a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of Respondents 1 and 2 herein in not taking any action in pursuance of the representations of the Petitioners dt. 21.04.2005 and 25.04.2005 as highly illegal, arbitrary and violation of principles of natural justice and to consequently direct the respondents 1 & 2 herein to forthwith stop the unauthorized construction work which is being carried out by the 4th respondent in the land belonging to the petitioners herein in survey Nos. 69, 70, 71 & 72 in

Laxmipuram Village and 378 & 379 in Fort Warangal.

Counsel for the Petitioner: SMT.K.ANNAPURNA REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following :

ORAL ORDER:

Petitioners' grievance is that the fourth respondent is illegally encroaching on its property and setting up unauthorized constructions in the petitioners land in Sy.No.69, 70, 71 & 72 of Laxmipuram village and 378 & 379 in Fort, Warangal. In this regard, it is stated the Estate Officer of the petitioners has passed an order dated 8.4.2005 purportedly under Section 5 (c) of Public Premises (Eviction of Unauthorized Occupants) Act, 1971, directing cessation of the unauthorized constructions in Sy.No.70, 71, and 72 of Laxmipuram village and Sy.Nos.378 and 379 of Fort, Warangal. By the said order, *status quo* on the construction was directed to be maintained and the persons concerned with the unauthorized constructions were called upon to file objections. The order dated 8.4.2005 of the Estate Officer does not *ex facie* assert that the fourth respondent is making any unauthorized construction. However, copy of the above order has been marked to the Officer In-charge, Tribal Welfare Department, Government of Andhra Pradesh.

The petitioners' grievance is that the fourth respondent is trespassing into his land and making unauthorized constructions. The petitioner is at liberty to pursue appropriate remedies before the Civil Court of competent jurisdiction. This Court is not inclined to exercise discretion under Article 226 of the Constitution, to resolve the property dispute between the petitioners and the fourth respondent. The writ petition is misconceived and is accordingly dismissed, with a liberty to pursue appropriate alternative remedies. No costs.

3rd May 2005

Pan/Dsr

To

1 The District Collector, Warangal District, Warangal.
2 The Secretary to Govt., Revenue Department,

Govt of A.P., Hyderabad.
3 The Mandal Revenue Officer, Warangal District.
4 The Principal, A.P. Tribal Welfare, Residential School (EM)

Boys, Warangal.

5 Two C.Cs to the Govt.Pleader for Revenue,

High Court buildings, Hyderabad.

6 Two CD copies.